UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

RICHARD MARCUS,)	
Plaintiff,)	
v.)))	CIVIL ACTION No. 10-1716-ADS
OLGA DUFOUR, LAWRENCE HAAKER, DAVID HAAKER, SUZANNE PERLOTH, and LISA GOLDBERG,)))	
Defendants.)	
	,	

PARTIALLY ASSENTED TO MOTION TO EXTEND TIME IN WHICH TO SERVE COMPLAINT

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff, Richard Marcus, requests that the Court extend the time in which to serve the complaint by 30 days, up to and including September 9, 2010. In support of this motion, Plaintiff states as follows:

- Under Rule 4(m), the current deadline for serving the complaint is August 10,
 Plaintiff has not previously requested an extension.
 - 2. Plaintiff has served the complaint on defendant Olga DuFour.
- 3. Plaintiff sent waivers of service of summons by mail to the last known addresses of the remaining defendants, Lawrence Haaker, David Haaker, Suzanne Perlroth, and Lisa Goldberg, all of who are siblings (the "Haaker Siblings"). To date, the Haaker Siblings have not executed and returned the waivers of service.
- 4. Plaintiff understands the Haaker Siblings are attempting to secure counsel to represent them in this action.

- 5. Counsel to the Haaker Siblings, when he or she appears, may agree to accept service of the complaint, thereby obviating the need for formal service in person.
- 6. Because the Haaker Siblings live in Connecticut, New York, New Jersey, and North Carolina, service upon all four in person would entail cost. Given that this is an interpleader action in which Plaintiff claims no direct interest in the Stake, avoiding unnecessary cost is in all parties' best interest.
 - 7. Olga DuFour has assented to this motion.

WHEREFORE, Plaintiff requests until September 9, 2010, to serve the interpleader complaint on the remaining, unserved defendants.

RICHARD MARCUS,

By his attorneys,

/s/ George A. Xixis
George A. Xixis (GX2122)
gxixis@nutter.com
Nutter, McClennen & Fish, LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02210-2604
(617) 439-2000

Dated: August 5, 2010

CERTIFICATE OF SERVICE

I certify that this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to the Court, Lawrence Haaker, David Haaker, Suzanne Perlroth, Lisa Goldberg, and counsel for Olga DuFour on August 5, 2010.

/s/ George A. Xixis
George A. Xixis

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